



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 1393-00  
27 June 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 20 September 1983 at the age of 23. Your record reflects that you served without incident for three years and seven months. However, on 13 April 1987, you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was a reduction in rate, a \$900 forfeiture of pay, and restriction for 30 days.

On 21 April 1987, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you requested a general discharge in lieu of an administrative discharge board (ADB). You also requested that your urine sample be re-tested and that you be permitted to take a polygraph examination. Subsequently, your urine sample was re-tested confirming the original positive results, and your polygraph results indicated that your responses were deceptive to relevant questions.

On 29 February 1988, you were again notified of pending administrative separation action by reason of misconduct due to drug abuse as evidenced by your NJP. After consulting with legal

counsel, you elected your right to present your case to an ADB. On 30 October 1987 an ADB recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse. On 28 January 1988 your commanding officer also recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 29 February 1988 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your good post service conduct and your contentions that you would like your discharge upgraded and your reason for separation changed, and that you were offered a medical discharge at the time of your separation. The Board further considered your contentions that you did not use marijuana, and deoxyribonucleic acid (DNA) testing would prove that a mistake was made when your urine was tested. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation given your drug related misconduct. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions that you were offered a medical discharge or that mistakes occurred during the testing of your urine sample. Given all the circumstances of your case, the Board concluded the your discharge and narrative reason for separation were proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director